

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re NURTURE BABY FOOD LITIGATION

Master File No.: 1:21-cv-01217-MKV

This Document Relates To:

The Honorable Mary Kay Vyskocil

ALL ACTIONS

**DECLARATION OF RACHEL SOFFIN IN SUPPORT OF THE W-R SLATE'S MOTION
FOR APPOINTMENT OF INTERIM CO-LEAD COUNSEL AND EXECUTIVE
COMMITTEE**

I, Rachel Soffin, hereby declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the following is true and correct:

1. I am a Partner and Practice Leader in the Consumer Products Group at Milberg Coleman Bryson Phillips Grossman, LLP ("Milberg"), and am one of the attorneys representing the Plaintiff in *Gothot v. Nurture, Inc.*, Case No. 1:21-cv-742. I am a member in good standing of the state bars of Florida and Georgia, as well as numerous federal courts, including the Middle District of Florida, Southern District of Florida, Northern District of Georgia, Northern District of Illinois and the Eleventh Circuit Court of Appeals. I submit this declaration in support of my appointment as Interim Class Counsel pursuant to Federal Rule of Civil Procedure 23(g). Each of the facts set forth below is true and correct, and if called and sworn as a witness, I would competently testify thereto.

**RACHEL SOFFIN HAS RELEVANT EXPERIENCE IN PROSECUTING CONSUMER
CLASS ACTIONS**

2. I have substantial experience in class action litigation, including food and dietary supplement litigation, as well as products liability. My practice includes cases involving defective

products, false advertising and mislabeling, deceptive and unfair trade practices, breach of contract, and insurance and banking disputes.

3. I been litigating complex actions throughout my 16 year career, with an exclusive focus on consumer class actions for the last 11 years. During this time, I have represented consumers and served as class counsel in numerous successful class actions, including: *Hamm v. Sharp Electronics Corp.*, No. 5:19-cv-00488 (M.D. Fla.) (over \$100M value settlement in action involving allegedly defective microwaves); *In Re: Allura Fiber Cement Siding Prods. Liability Litig.*, No. 2:19-mn-02886-DCN (D.S.C.) (\$12.5M settlement involving allegedly defective fiber cement siding); *Berman et al v. General Motors LLC*, No. 2:18-cv-14371 (S.D. Fla.) (\$40 million settlement in action involving allegedly defective automobiles); *De Leon v. Bank of America, N.A.* (USA), No. 6:09-cv-01251 (M.D. Fla.) (\$10 million settlement for consumers subjected to breach of their Cardholder Agreement and deceptive trade practices); *Swift v. Bank of America*, No. 3:14-cv-01539 (M.D. Fla) (\$1 million settlement for consumers subjected to TCPA violations); *In Re: Tracfone Unlimited Service Plan Litigation*, No. 13-cv-03440 (N.D. Cal) (\$40 million settlement for consumers subjected to deceptive cellular phone data plan practices).

4. I have also spearheaded the litigation in *Price et al. v. L'Oréal USA, Inc. et al.*, No. 1:17-cv-00614 (S.D.N.Y.), a certified class action for New York and California classes involving allegedly deceptive and misleading labeling of a hair care product. The *Price* litigation was certified pursuant to Rule 23, and survived a challenge under Rule 23(f) of the Federal Rules of Civil Procedure with the Second Circuit, as well as summary judgment following class certification, and numerous *Daubert* challenges.

5. In addition, I have significant experience in food and supplement false advertising actions. *See, e.g., In Re: Horizon Organic Milk Plus DHA Omega-3 Mktg. and Sales Practice*

Litigation, 1:12-MD-02324 (S.D. Fla.) (\$1.3 million settlement value for consumers subjected to deceptive trade practices involving milk product misrepresentations); *Debernardis v. IQ Formulations, LLC*, 942 F.3d 1076, 1080 (11th Cir. 2019) (in action involving dietary supplements, finding “plaintiffs plausibly alleged that they suffered an economic loss when they purchased supplements that were worthless because the FDCA prohibited sale of the supplements.”). I am also currently litigating numerous dietary supplement putative class actions across the County.

6. I also currently serve as court-appointed Co-Lead Counsel in the deceptive representations and omissions cookware litigation, *All-Clad Metalcrafters, LLC, Cookware Marketing and Sales Practices Litigation*, No. 2:21-mc-00491-NR (W.D. Pa.), and as court-appointed counsel on the Plaintiffs’ Steering Committee in litigation involving defective breast implants, *In re: Allergan Biocell Textured Breast Implant Product Liability Litigation*, No. 2:19-md-02921-BRM-ESK (D.N.J.).

7. In addition, I have been a speaker at national continuing legal education conferences on complex class action litigation topics, and was designated by Super Lawyers as a Florida Rising Star from 2011 to 2013 and as a Florida Super Lawyer from 2014 to 2018, in the fields of Class Actions and Mass Torts.

MILBERG HAS EXTENSIVE EXPERIENCE LITIGATING COMPLEX ACTIONS AND HAS ACHIEVED SIGNIFICANT RECOVERIES ON BEHALF OF CONSUMERS

8. Milberg has dozens of attorneys operating on three continents and is a leader in the consumer class action field, successfully pioneering and litigating complex litigations in the following practice areas: class actions, antitrust and competition law, securities fraud, consumer protection, cyber security and data breach litigation, financial and insurance litigation, environmental law, securities litigation, and product liability. The firm and its affiliates have

recovered over \$50 billion in verdicts and settlements. Milberg's resume is attached hereto as **Exhibit A**.

9. Milberg has the human, financial, and technological resources to effectively prosecute this action.

Dated: September 28, 2021

/s Rachel Soffin

Rachel Soffin

Attorney for Plaintiff Gothot